

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

BWS PROPERTIES, LLC,) NO. 1:24-CV-29-KAC-CHS
)
Plaintiff,) JUDGE KATHERINE A. CRYTZER
v.)
AIRGAS USA, LLC,) MAGISTRATE JUDGE
) CHRISTOPHER H. STEGER
Defendant.)
) JURY DEMAND

**DEFENDANT AIRGAS USA, LLC'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant Airgas USA, LLC (“Defendant” or “Airgas”), pursuant to Fed. R. Civ. P. 56(c), hereby files this Memorandum of Law in Support of its Motion for Partial Summary Judgment as claims asserted by Plaintiff BWS Properties, LLC (“Plaintiff” or “BWS”) for holdover tenancy, unpaid property taxes, damages to property prior to the final lease period, and damages not proven by expert proof. In support of this motion, Airgas contemporaneously files a Memorandum of Law and the following exhibits:

Exhibit A, Excerpts from the 30(b)(6) Deposition of Jennifer Nevans for BWS;

Exhibit B, Excerpts from the Deposition of Tracy Harvey;

Exhibit C, Excerpts from the Deposition of Dawn Van Dyke;

Exhibit D, Industrial Building Lease dated June 1, 2022;

Exhibit E, Letter from Dawn Van Dyke of Airgas to Jennifer Nevans of BWS dated February 6, 2023;

Exhibit F, Email from Jennifer Nevans to Dan Van Dyke dated February 7, 2023;

Exhibit G, Excerpts from the First Deposition of Peter Van Slyke;

Exhibit H, Email and Invoice from Jennifer Nevans to Dawn Van Dyke dated May 31, 2023; and

Exhibit I, Text messages between Jennifer Nevans and Peter Van Slyke.

Accordingly, as argued more fully in the Memorandum of Law in support of this motion, Airgas requests an order from the Court dismissing BWS' claims for holdover tenancy, unpaid property taxes, damages to property prior to the final lease period, and damages not proven by expert proof.

Respectfully submitted,

LEWIS THOMASON, P.C.

By:/s/ Peter C. Robison

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Attorneys for Defendant Airgas USA, LLC

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing DEFENDANT AIRGAS USA, LLC'S MOTION FOR PARTIAL SUMMARY JUDGMENT has been served on the following counsel of record via email and through the Court's electronic filing system:

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This the 22nd day of July, 2025.

/s/ Peter C. Robison